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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,798	12/04/2003	Phillip M. Adams	2456.2.13.1	6835

28049   7590   09/16/2009

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EXAMINER
MCCORMICK, GABRIELLE A

ART UNIT	PAPER NUMBER
3629	

MAIL DATE	DELIVERY MODE
09/16/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/727,798	ADAMS, PHILLIP M.
	Examiner	Art Unit
	Gabrielle McCormick	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 August 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-13 and 17-22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-13 and 17-22* is/are rejected.

7)☒ Claim(s) *9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   This action is in reply to the amendment filed on August 24, 2009.

2.   Claims 1, 2, 4, 5, 7-10, 12, 13 and 17-21 have been amended.

3.   Claims 3 and 14-16 have been canceled.

4.   Claims 1-2, 4-13 and 17-22 are currently pending and have been examined.

Claim Objections

5.   The Examiner thanks the applicant for the amendment for overcome the previous objection to claim 7. The objection is withdrawn.

6.   Claim 9 is objected to for its dependence on a cancelled claim.

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8.   Claims 1-2, 4-13 and 17-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

9.   Applicant has amended the claims 1, 20 and 21 to incorporate the following limitation: *identifying a second educational institution offering a second plurality of course and **lacking a direct and***

express agreement obligating the first educational institution to recognize credit for the

second plurality of courses.

10.   The specification discloses the following:

11.   Page 15: "Because different institutions 60 may offer different degree programs 64, courses taken at one institution 60 may nor may not readily be accepted for credit at another institution 60."

12.   Page 23: "...standardized nomenclature is needed to identify like information from different educational institutions 60."

13.   Page 30: "...equivalency may be determined by specific policies of educational institutions 60 with respect to the transfer of credits therebetween."

14.   The Examiner asserts that the disclosure does not provide support to narrow the claim limitation such that the second institution lacks a direct and express agreement obligating the first institution to recognize credit for the second's courses. The specification is silent as to the subject of the relationships or agreements, either existing or lacking, between institutions.

15.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

16.   Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

17.   Claim 2 contains the phrase "the first course catalog" which lacks proper antecedent basis.

18.   The Examiner thanks the applicant for the amendment to clarify claim 5. This rejection is withdrawn.

Claim Rejections - 35 USC § 103

19.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

20.   <u>Claims 1-2, 9-13 and 17-19</u> are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (US Pub. No. 2002/0049743) in view of Curriculum Sequencing (found at http;//www10.org/cdrom/papers/207/node5.html, published 2001-02-13) in view of Fields et al. (US Pub. No. 2003/0055842, hereinafter referred to as "Fields") in view of Oni (US Pub. No. 2004/0133546).

21.   **Claim 1:** Hall, at P[0029], discloses offering first and second pluralities of courses from first and second institutions where the first institution has degree requirements. Hall discloses an example degree plan for zoology where the system assembles a course map of courses available from various academic content providers (i.e., first and second institutions) which are required for the zoology degree (thus courses are collectively presented that satisfy degree requirements). The course information is further categorized by variables, including course availability and location (i.e., course scheduling information) and course perquisites (thus the information is organized in a hierarchy of requirements). Clients (i.e., students) have access to degree plans (P[0021]), thus students select a first degree.

22.   Hall does not disclose *organizing the graduation criteria into a dependency graph*.

23.   Curriculum Sequencing, however, discloses "topics are represented in a dependency graph, with links representing the relationship between topics, which include prerequisite, co-requisite, related, and remedial." (pg. 1; para. 1).

24.   Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included organizing the degree plan of Hall into the dependency graph of

Curriculum Sequencing for the motivation of providing a method of visually depicting the courses required for a degree and their relationships. Hall discloses that courses have prerequisites, therefore it is an obvious expansion to use a graphical technique to show these relationships.

25. Hall discloses transferring credits from a junior college to a different university where the aggregator informally correlates equivalency of the course (P[0022]). Hall does not disclose that the junior college lacks a direct and express agreement obligating the first institution to recognize credit for the credits earned at the junior college.

26. Fields, however, discloses a system where a student selects a degree program (P[0042]), submits information regarding courses he seeks credit upon transferring to another school (P[0020]) and the system analyzes the information to determine match percentage as a means of granting or rejecting the request for transfer credit. (P[0021-0031]). Because the system performs analysis to determine whether to grant or deny the transfer request, there is no agreement between the two institutions.

27. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included institutions which are not contractually bound to accept credits, as disclosed by Fields in the system of Hall for the motivation of improving the means by which the aggregator performs the informal correlation used when correlating junior college course credit to another institution. (Hall; P[0022]). It is clear that the aggregator works without the explicit use of remote agents when performing the informal course equivalency as described in P[0022]. Therefore, it is obvious to expand Hall such that students from institutions without reciprocity agreements can submit course information to obtain credit upon transfer to the other institution.

28. Hall discloses performing informal equivalency for transfer credit (P[0022]) and a rewards program that functions to persuade a student to select from "substantially identical" courses offered by differing institutions. (P[0024]). Hall discloses a storage database connected to the aggregator (Fig. 1). Hall does not explicitly disclose that the records of the database reflect equivalencies between first and second pluralities of courses.

29.   Oni, however, discloses database 317 (P[0054]), the ability to substitute courses with other "compatible, institutionally acceptable courses" (P[0085] and [0090] and Fig. 11K).

30.   Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a database of equivalencies, as disclosed by Fields, in the system of Hall for the motivation of speeding processing of requests for course information. It is obvious for Hall's database to store equivalency information for administration of the rewards program. It is also obvious for the database to store equivalency information used to create the course map of P[0029] of Hall.

31.   Further, the Examiner contends that "records reflecting equivalencies between the first and second plurality of course" is non-functional descriptive material. The records of the database are not functionally related to the method steps, therefore, the descriptive nature of the records is **nonfunctional descriptive data** and is not functionally involved in the steps recited. **The storing of a database would be performed regardless of description content of the database.** Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack,* 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry,* 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

32.   Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included records reflecting equivalencies because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of data records in a database does not patentably distinguish the claimed invention.

33.   **Claim 2:** Hall discloses data mining. (P[0026]) and access to university curricula and course schedules (i.e., catalog information).

34.   **Claim 9:** Hall discloses determining equivalency of courses. (P[0022]: aggregator correlates courses from a junior college to their equivalent at a university and P[0023]: substantially identical courses are offered).

35.   **Claims 10 and 11:** Hall discloses a student selecting a course from a given provider based on cost. (P[0024]) and filtering search results based on relevancy to the client's query. (P[0028]).

36.   **Claims 12 and 13:** Hall discloses course availability (i.e., scheduling information) and generating a "custom course map degree plan based on course offerings". (P[0029]). The custom course map is understood to comprise a class schedule as it is based on course offerings, availability and location.

37.   **Claim 17:** Hall discloses transferring credits (P[0022]). Hall further discloses viewing the degree plan with the courses needed to be completed in order to obtain the degree. (P[0029]). Thus, the transferred courses are imported such that only the courses needed to be completed are viewed.

38.   **Claims 18 and 19:** Hall discloses the Internet and servers. (P[0019-0020]).

39.   <u>**Claims 4 and 8**</u> are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (US Pub. No. 2002/0049743) in view of Curriculum Sequencing (found at http;//www10.org/cdrom/papers/207/node5.html, published 2001-02-13) in view of Fields et al. (US Pub. No. 2003/0055842, hereinafter referred to as "Fields") in view of Oni (US Pub. No. 2004/0133546) and in further view of Tam et al. (US Pub. No. 2002/0147656, hereinafter referred to as "Tam").

40.   **Claims 4 and 8:** Hall does not disclose coding analogous information to enable comparison of the analogous information.

41.   Fields, however, discloses determining analogous course information using course title and keyword matching with a match percent threshold (P[0027-0028]). Fields does not disclose standardized codes.

42.   Tam, however, discloses using a single UPC to ensure that an item from a plurality of suppliers is compared. (P[0021]).

43.   Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a standardized code, as disclosed by Tam, in the system of Fields for the motivation of facilitating transfer credit determinations. In P[0049], Fields discloses that future transferees from the same college will have their information evaluated against the stored course description. By expanding Fields to include a standardized code, the evaluation is simplified.

44.   It also would have been obvious to one of ordinary skill in the art at the time of the invention to have included Fields' method of determining analogous courses in the system of Hall for the motivation of correlating transfer credits to another institution, as well as determining a "substantially identical course" (Hall; P[0024]).

45.   <u>Claims 5-7</u> are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (US Pub. No. 2002/0049743) in view of Curriculum Sequencing (found at http;//www10.org/cdrom/papers/207/node5.html, published 2001-02-13) in view of Fields et al. (US Pub. No. 2003/0055842, hereinafter referred to as "Fields") in view of Oni (US Pub. No. 2004/0133546) in view of Tam et al. (US Pub. No. 2002/0147656, hereinafter referred to as "Tam") in further view of Danner et al. (US Pat. No. 6,711,618, hereinafter referred to as "Danner").

46.   **Claims 5, 6 and 7:** Hall discloses a third party (P[0021]) but does not disclose XML tags or pages.

47.   Danner, however, discloses XML pages and XML tags embedded in HTML code. (C8; L57-65).

48.   Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included XML tags and pages, as disclosed by Danner, in the system of Hall for the motivation of providing formatting instructions and providing the content for display.

49.   <u>Claim 20</u> is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (US Pub. No. 2002/0049743) in view of Curriculum Sequencing (found at http;//www10.org/cdrom/papers/207/node5.html, published 2001-02-13) in view of Fields et al. (US Pub. No. 2003/0055842, hereinafter referred to as "Fields") in view of Oni (US Pub. No. 2004/0133546) in view of Danner et al. (US Pat. No. 6,711,618, hereinafter referred to as "Danner").

50.   **Claim 20:** Hall, at P[0029], discloses offering first and second pluralities of courses from first and second institutions where the first institution has degree requirements. Hall discloses an

example degree plan for zoology where the system assembles a course map of courses available from various academic content providers (i.e., first and second institutions) which are required for the zoology degree (thus courses are collectively presented that satisfy degree requirements). The course information is further categorized by variables, including course availability and location (i.e., course scheduling information) and course perquisites (thus the information is organized in a hierarchy of requirements). Clients (i.e., students) have access to degree plans (P[0021]), thus students select a first degree.

51. Hall does not disclose *organizing the graduation criteria into a dependency graph*.

52. Curriculum Sequencing, however, discloses "topics are represented in a dependency graph, with links representing the relationship between topics, which include prerequisite, co-requisite, related, and remedial." (pg. 1; para. 1).

53. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included organizing the degree plan of Hall into the dependency graph of Curriculum Sequencing for the motivation of providing a method of visually depicting the courses required for a degree and their relationships. Hall discloses that courses have prerequisites, therefore it is an obvious expansion to use a graphical technique to show these relationships.

54. Hall discloses transferring credits from a junior college to a different university where the aggregator informally correlates equivalency of the course (P[0022]). Hall does not disclose that the junior college lacks a direct and express agreement obligating the first institution to recognize credit for the credits earned at the junior college.

55. Fields, however, discloses a system where a student selects a degree program (P[0042]), submits information regarding courses he seeks credit upon transferring to another school (P[0020]) and the system analyzes the information to determine match percentage as a means of granting or rejecting the request for transfer credit. (P[0021-0031]). Because the system performs analysis to determine whether to grant or deny the transfer request, there is no agreement between the two institutions.

56.   Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included institutions which are not contractually bound to accept credits, as disclosed by Fields in the system of Hall for the motivation of improving the means by which the aggregator performs the informal correlation used when correlating junior college course credit to another institution. (Hall; P[0022]). It is clear that the aggregator works without the explicit use of remote agents when performing the informal course equivalency as described in P[0022]. Therefore, it is obvious to expand Hall such that students from institutions without reciprocity agreements can submit course information to obtain credit upon transfer to the other institution.

57.   Hall discloses performing informal equivalency for transfer credit (P[0022]) and a rewards program that functions to persuade a student to select from "substantially identical" courses offered by differing institutions. (P[0024]). Hall discloses a storage database connected to the aggregator (Fig. 1). Hall does not explicitly disclose that the records of the database reflect equivalencies between first and second pluralities of courses.

58.   Oni, however, discloses database 317 (P[0054]), the ability to substitute courses with other "compatible, institutionally acceptable courses" (P[0085] and [0090] and Fig. 11K).

59.   Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a database of equivalencies, as disclosed by Fields, in the system of Hall for the motivation of speeding processing of requests for course information. It is obvious for Hall's database to store equivalency information for administration of the rewards program. It is also obvious for the database to store equivalency information used to create the course map of P[0029] of Hall.

60.   Further, the Examiner contends that "records reflecting equivalencies between the first and second plurality of course" is non-functional descriptive material. The records of the database are not functionally related to the method steps, therefore, the descriptive nature of the records is **nonfunctional descriptive data** and is not functionally involved in the steps recited. **The storing of a database would be performed regardless of description content of the database.** Thus, this descriptive data will not distinguish the claimed invention from the prior art

in terms of patentability, *see In re Gulack,* 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry,* 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

61.   Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included records reflecting equivalencies because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of data records in a database does not patentably distinguish the claimed invention.

62.   Hall discloses a network (Fig. 1) but does not disclose XML tags or pages.

63.   Danner, however, discloses XML pages and XML tags embedded in HTML code. (C8; L57-65).

64.   Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included XML tags and pages, as disclosed by Danner, in the system of Hall for the motivation of providing formatting instructions and providing the content for display.

65.   <u>Claims 21-22</u> are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (US Pub. No. 2002/0049743) in view of Curriculum Sequencing (found at http://www10.org/cdrom/papers/207/node5.html, published 2001-02-13) in view of Fields et al. (US Pub. No. 2003/0055842, hereinafter referred to as "Fields") in view of Oni (US Pub. No. 2004/0133546) in view of Atkinson et al. (US Pat. No. 6,507,726, hereinafter referred to as "Atkinson").

66.   Hall, at P[0029], discloses offering first and second pluralities of courses from first and second institutions where the first institution has degree requirements. Hall discloses an example degree plan for zoology where the system assembles a course map of courses available from various academic content providers (i.e., first and second institutions) which are required for the zoology degree (thus courses are collectively presented that satisfy degree requirements). The course information is further categorized by variables, including course availability and location (i.e., course scheduling information) and course perquisites (thus the information is organized in a hierarchy of requirements). Clients (i.e., students) have access to degree plans (P[0021]), thus students select a first degree.

67.   Hall does not disclose *organizing the graduation criteria into a dependency graph*.

68.   Curriculum Sequencing, however, discloses "topics are represented in a dependency graph, with links representing the relationship between topics, which include prerequisite, co-requisite, related, and remedial." (pg. 1; para. 1).

69.   Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included organizing the degree plan of Hall into the dependency graph of Curriculum Sequencing for the motivation of providing a method of visually depicting the courses required for a degree and their relationships. Hall discloses that courses have prerequisites, therefore it is an obvious expansion to use a graphical technique to show these relationships.

70.   Hall discloses transferring credits from a junior college to a different university where the aggregator informally correlates equivalency of the course (P[0022]). Hall does not disclose that the junior college lacks a direct and express agreement obligating the first institution to recognize credit for the credits earned at the junior college.

71.   Fields, however, discloses a system where a student selects a degree program (P[0042]), submits information regarding courses he seeks credit upon transferring to another school (P[0020]) and the system analyzes the information to determine match percentage as a means of granting or rejecting the request for transfer credit. (P[0021-0031]). Because the system performs analysis to determine whether to grant or deny the transfer request, there is no agreement between the two institutions.

72.   Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included institutions which are not contractually bound to accept credits, as disclosed by Fields in the system of Hall for the motivation of improving the means by which the aggregator performs the informal correlation used when correlating junior college course credit to another institution. (Hall; P[0022]). It is clear that the aggregator works without the explicit use of remote agents when performing the informal course equivalency as described in P[0022]. Therefore, it is obvious to expand Hall such that students from institutions without reciprocity agreements can submit course information to obtain credit upon transfer to the other institution.

73.   Hall discloses performing informal equivalency for transfer credit (P[0022]) and a rewards program that functions to persuade a student to select from "substantially identical" courses offered by differing institutions. (P[0024]). Hall discloses a storage database connected to the aggregator (Fig. 1). Hall does not explicitly disclose that the records of the database reflect equivalencies between first and second pluralities of courses.

74.   Oni, however, discloses database 317 (P[0054]), the ability to substitute courses with other "compatible, institutionally acceptable courses" (P[0085] and [0090] and Fig. 11K).

75.   Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a database of equivalencies, as disclosed by Fields, in the system of Hall for the motivation of speeding processing of requests for course information. It is obvious for Hall's database to store equivalency information for administration of the rewards program. It is also obvious for the database to store equivalency information used to create the course map of P[0029] of Hall.

76.   Further, the Examiner contends that "records reflecting equivalencies between the first and second plurality of course" is non-functional descriptive material. The records of the database are not functionally related to the method steps, therefore, the descriptive nature of the records is **nonfunctional descriptive data** and is not functionally involved in the steps recited. **The storing of a database would be performed regardless of description content of the database.** Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack,* 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

77.   Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included records reflecting equivalencies because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of data records in a database does not patentably distinguish the claimed invention.

78.   Hall discloses a client inputting search criteria (P[0028]) and that the aggregator processes, categorized and organizes information according to a selected variable, including course

availability, location and cost (P[0029]) but does not explicitly disclose a student inputting scheduling criteria.

79.   Atkinson, however, discloses receiving user selections of a time period for a course (C1; L40-67 and Fig. 7).

80.   Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included receiving student scheduling preferences for course time, as disclosed by Atkinson, in the system of Hall for the motivation of aiding a student in selecting curricula necessary to satisfy educational standards and time constraints. (Atkinson; C3; L5-7).

Response to Arguments

81.   Applicant's arguments with respect to claims 1, 20 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is (571)270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. M./
Examiner, Art Unit 3629

/JOHN G. WEISS/
Supervisory Patent Examiner, Art Unit 3629